

AMENDED IN SENATE JUNE 9, 2016  
AMENDED IN ASSEMBLY MARCH 17, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2089**

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**Introduced by Assembly Member Quirk**

February 17, 2016

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An act to amend Section 3019.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2089, as amended, Quirk. Vote by mail ballots: voter notification.

Existing law requires a county elections official to establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted, and, if not, the reason why the ballot was not counted. Existing law requires the elections official to make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvas.

This bill would require a county elections official, *within 30 days after completion of the official canvass*, to additionally notify a voter if his or her vote by mail ballot was not counted, *including the reason it was not counted*. By imposing an additional duty on local elections officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3019.5 of the Elections Code is amended  
2 to read:

3 3019.5. (a) A county elections official shall establish a free  
4 access system that allows a vote by mail voter to learn if his or her  
5 vote by mail ballot was counted and, if not, the reason why the  
6 ballot was not counted. For each election, the elections official  
7 shall make the free access system available to a vote by mail voter  
8 upon completion of the official canvass and for 30 days after  
9 completion of the official canvas.

10 (b) For purposes of establishing the free access system for vote  
11 by mail ballots required by subdivision (a), a county elections  
12 official may use the free access system for provisional ballots  
13 established by the county pursuant to Section 302 of the federal  
14 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

15 (c) If a county elections official elects not to mail a sample ballot  
16 to a voter pursuant to Section 13305, the elections official shall  
17 use any savings achieved to offset the costs associated with  
18 establishing the free access system for vote by mail ballots required  
19 by subdivision (a).

20 (d) In addition to establishing a free access system pursuant to  
21 subdivision (a), *within 30 days after completion of the official*  
22 *canvass*, a county elections official shall notify a voter if his or  
23 her vote by mail ballot was not counted. *The notification shall*  
24 *include the reason the ballot was not counted.*

25 SEC. 2. If the Commission on State Mandates determines that  
26 this act contains costs mandated by the state, reimbursement to  
27 local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.